

REMARKS

This amendment is in response to the Office Action dated August 24, 2004. This response amends claims 1, 6, and 12 while canceling claims 5, 7, and 15 and adding claims 18 through 27. Claim 1 has been amended to incorporate the limitations of dependent claim 5. Claim 12 has been amended to incorporate the limitations of claim 15 as prescribed by the Examiner. Claim 18 has been added which copies claim 1 and incorporates the limitation of claim 4 as prescribed by the Examiner. Claim 19 through 27 are dependent upon and thus further limit claim 18 which is an allowable claim. Thus, claims 1-4, 5, 7-14, and 16-27 remain in the application of which claims 1, 12, and 18 are the only independent claims. Favorable consideration of the claims as amended is earnestly solicited.

35 U.S.C. §102(b), Umezu, et al.

The Examiner rejected claims 1, 8, 10, 12 and 17 as anticipated by U.S. Pat. No. 4,385,505 to Umezu, et al. However, Umezu, et al. Does not teach or suggest the use of a secondary pan as an overflow protection mechanism for placement beneath an existing box-like structure which houses an evaporator coil and its associated primary condensate drip pan. There are some salient ramifications which flow from this distinct variation. First, the secondary overflow protection pan as taught by Applicant is a retrofit type device which may be configured for use with virtually any brand or style of fan coil unit. Furthermore, Applicant's overflow protection pan may be installed beneath a fan coil unit, which has internally configured primary and secondary pans, in order to provide a tertiary overflow protection pan. Moreover, Applicant's pan may be configured for use with fan coil units not having an internal secondary overflow protection pan or as a remedy for fan

coil units whose secondary pan has failed due to leaks developed therein. Secondly, Applicant's secondary pan design provides more comprehensive protection for the residential enclosure than the conventional internally configured secondary pan provides by trapping condensate which may develop on the outer periphery of the box-like encasement structure of the fan coil unit due to ambient condensation or through leaks formed therein. Therefore Applicant believes that it can therefore be clearly seen that Applicant's pan provides a utility which is distinct from the prior art teachings of an internally configured secondary pan.

Nevertheless, it the belief by the Applicant that the disclosure provided by Umezu, et al. Does not anticipate the amended claims. Specifically, Umezu, et al. Does not teach or suggest a drain line connecting means which is integrally formed with the pan and is adapted to receive a section of conventional PVC or ABS pipe therewithin which may be adhereingly connected thereto using commonly available PVC type cement. Similarly, Umezu, et al. Does not teach or suggest a drain line connecting means which is integrally formed with the pan and is adapted to be received into a conventional PVC or ABS pipe fitting or coupling which may be adhereingly connected thereto using commonly available PVC type cement. It is important to note that the drain line connecting means may comprise a cylindrical member which is adapted to be received over the outer surface of the end portion of an elongated section of conventional PVC pipe as claimed in claim 6, or the drain line connecting means may comprise a cylindrical member which is adapted to be received in the inner surface of a conventional PVC fitting or coupling as claimed in claim 8. Neither the teachings of Umezo, et al. as well as any other prior art device is known to teach or suggest this novel feature. The integrally formed drain line connecting means provides advantage by alleviating the need for an extraneous pipe connecting means during

the installation process as well as removing the potential failure mode of leaks which may develop at the interface therebetween.

Given the aforementioned facts, Applicant respectfully submits that claims 1, 8, 12, and 17 are not anticipated by Umezu, et al. And request that this rejection be withdrawn.

35 U.S.C. §102(b), Song in view of Albutt

The examiner rejected claims 1, 8, and 12 as being unpatentable over Song (2000KR-0043089) in view of Albutt (GB 2356036). However, neither Song or Albutt teach or suggest a drain line connecting means which is integrally formed with the pan and is adapted to be adhesively connected to conventional PVC or ABS pipe as well as PVC or ABS pipe fittings using commonly available PVC type cement. Furthermore, Applicant does not believe that the combination of these two references would teach or suggest this novel feature of the present invention. Therefore, by reasons cited hereinabove, Applicant respectfully submits that amended claims 1, 8, and 12 are not anticipated by Song or Albutt, nor are obvious to any combination thereof and thus request that this rejection be withdrawn.

35 U.S.C. §102(e), Lea in view of Albutt

The Examiner rejected claims 1, 2, 8, 9, 10, 11, 12, 16, and 17 as anticipated by U.S. Published application 2003/0000093 to Lea in view of Albutt (GB 2356036). However, neither Lea or Albutt teach or suggest a drain line connecting means which is integrally formed with the pan and is adapted to be adhesively connected to conventional PVC or ABS pipe as well as PVC or ABS pipe fittings using commonly available PVC type cement. Furthermore, Applicant does not believe that the combination of these two

references would teach or suggest this novel feature of the present invention, wherein the reasoning and purpose for this rationale is cited hereinabove.

Regarding the rejection of claim 11, neither Lea or Albutt teach or suggest a condensate drain pan having sidewalls which are sloped outwardly from the center of said pan in order to enable the dense packaging of a plurality thereof. Although Applicant agrees that Albutt teaches a bottom panel having a sloping surface, this sloping bottom panel does not contribute to the relatively dense stackable capability of multiple overflow protection pans afforded by the use of sloping sidewalls as taught by Applicant. As the stackability or dense packaging of any product is directly related to distribution costs thereof, Applicant's sloping sidewall design provides the unique means of reducing shipping costs, which thereby lowers the cost to the end user.

In view of the foregoing, Applicant respectfully submits that the amended claims are not anticipated by Lea or Albutt, nor are rendered obvious by any combination thereof, and request that this rejection be withdrawn.

35 U.S.C. §103(a), Lea and Albutt in view of da Luz Moreas

The Examiner rejected claims 2, 3, 5, 13, and 14 as being unpatentable over U.S. Published application 2003/0000093 to Lea and Albutt (GB 2356036) in view of U.S. Pat. No. 6,032,478 to da Luz Moreas. However, Applicant could find no description within the da Luz Moreas disclosure which specified a overflow protection pan formed from ABS. Even if this were the case, da Luz Moreas as well as Lea, or Albutt never teach or suggest a drain line connecting means which is integrally formed with the pan and is adapted to be adhesively connected to conventional PVC or ABS pipe or a conventional style PVC pipe fitting using commonly available PVC type cement.

The Examiner's citation of 'Art Recognized Suitability For an Intended Purpose', MPEP §2144.07 is noted. However, the use of a particular type of material in conjunction a drain line connecting means of predetermined dimensions which enables being adhereingly connected to conventional PVC/ABS pipe or a conventional PVC/ABS pipe fitting yields a new and unobvious utility that has heretofore remained unrecognized in the prior art.

Given the aforementioned facts, Applicant respectfully submits that amended claims 2, 3, 5, 13, and 14 are not anticipated by Lea, and Albutt in view of da Luz Moreas and request that this rejection be withdrawn.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment pursuant to 37 C.F.R. §1.121. Prompt and favorable action on the merits of the claims is earnestly solicited. If any minor issues remain, please contact Applicant at (972) 801-9843.

Respectfully submitted,

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